

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21793 of 2014

=====

Baijnath Aara Mill at Murdika, Samastipur through its Proprietor,
Baidyanath Sharma @ Baijnath Sharma S/O Anup Lal Sharma, Resident of
village-Keras Nizamat, P.S.-Samastipur, District-Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Muzaffarpur Circle, at Muzaffarpur.
3. The Licensing Officer-cum-Divisional Forest Officer, Begusarai Forest Division, Begusarai ----- Respondents 1st Set.
4. Bipin Sharma , Son of Late Yogendra Thakur, R/o Mohalla- Bahadurpur, P.S. Samastipur, District- Samastipur --- (Intervener) - Respondent

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Respondent/s : Mr. AC to GA-4

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 11-08-2015 Heard Sri Uma Shankar Singh, learned counsel, who

was assisted by Sri Dilip Kumar Roy, learned counsel for the

petitioner and learned AC to GA-4.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an order dated 06.02.2013 issued vide Memo No.204, whereby the licensing authority-cum- Divisional Forest Officer has revoked the licence, which was earlier issued in favour of the petitioner. The petitioner has also prayed for quashing of order dated 16.09.2014, whereby the appeal preferred by the petitioner vide Appeal no.6 of 2013 was rejected by the Conservator of

Forest, Muzaffarpur Circle. It has also been prayed for directing the Respondents to renew the licence of the petitioner.

Learned counsel for the petitioner submits that earlier due to ill-health of the petitioner, he had authorized one Bipin Sharma to look after his saw mill and said Bipin Sharma, who has been arrayed as Respondent no.4, unauthorisedly started functioning another saw mill on the strength of the licence, which was issued in favour of the petitioner. Learned counsel for the petitioner has tried to persuade this Court that the licensing authority had illegally and incorrectly revoked the licence granted to the petitioner.

Learned State Counsel has opposed the prayer of the petitioner by way of referring to the averment made in the counter affidavit.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. On perusal of the order of the licensing authority i.e. order dated 06.02.2013, it is evident that the petitioner without any prior permission of the authority concerned had sold goods and machinery of the saw mill to Respondent no.4. He had also given an affidavit authorizing Respondent no.4 to do all the works. Subsequently, illegal act of the petitioner was noticed and thereafter different F.I.Rs were

lodge against the petitioner as well as Respondent no.4/Bipin Sharma for committing offence under the provisions of Forest Act, the licencing authority in view of power conferred under Section 7 (5) of the Bihar Saw Mills (Regulation)Act, 1990 has rightly exercised its jurisdiction keeping in view the fact that without prior permission of the authority concerned, the petitioner had transferred the machinery of the saw mill as well as sold the licence, which was earlier granted to the petitioner.

In view of facts and circumstances and perusal of the orders, the Court is satisfied that no illegality has been committed by the authority concerned.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

U			
---	--	--	--